

RESOLUTION
of
THE BOARD OF DIRECTORS
of
LEGAL SERVICES OF NORTHWEST MINNESOTA

In Support of Enhanced Private Attorney Involvement

Whereas, the Legal Services Corporation and the programs it funds, including Legal Services of Northwest Minnesota (LSNM), have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, at its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-003 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in *pro bono* representation and other services that benefit low-income persons; and

Whereas, the LSC Board of Directors resolution builds upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program;
- The *LSC Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs;
- The *LSC Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services;
- The Provision for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap;
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help*

Close the Justice Gap, Unleash the Power of Pro Bono, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement.

- The American Bar Association's Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide *pro bono* legal assistance to persons of limited means;

Whereas, Legal Services of Northwest Minnesota was started by Randy Stefanson, a private attorney from Moorhead who believed the poor should have access to civil counsel, and who personally recruited a number of other private attorneys during a car trip throughout the 22-county region, enrolling them on handwritten index cards to do pro bono work;

Whereas, those pro bono attorneys were committed to serving the area's poor, and saw the need for a permanent legal services organization in northwest Minnesota, many became signers of Legal Services of Northwest Minnesota's original Articles of Incorporation, November 18, 1976.

Whereas, those first private attorney practitioners, led by Randy Stefanson, approached Legal Services Corporation (LSC) with a request for funding, LSC created LSNM as an experiment in whether private attorneys alone could provide legal services to the poor;

Whereas, for nearly a decade, Legal Services of Northwest Minnesota's case services were provided entirely by private attorneys through a Judicare system;

Whereas, since 1985, when a Reginald Heber Smith Fellow, Elizabeth Buchl (later Corbett), became the first casehandling staff attorney, private and staff attorneys have always considered themselves a team, respecting each other's unique skills and perspectives;

Whereas, Legal Services of Northwest Minnesota has, throughout its 32-year history, been committed to the promotion of pro bono private attorney involvement, and has served as a national model of private-public law collaboration;

Whereas, even with the specialization of poverty law today, private attorneys undertake the majority of LSNM's extended services cases and have provided in recent years time averaging the equivalent of 11 staff attorneys annually;

Whereas, Judicare Panel attorneys contribute over \$2 million annually in uncompensated in-kind services to LSNM clients;

Whereas, Legal Services of Northwest Minnesota currently has 230 private Judicare Panel attorneys;

Whereas, over 40 of those practitioners have been on LSNM's Judicare Panel for 25 or more years, providing extraordinary experience and skill to LSNM's clients and staff; and

Whereas, Legal Services of Northwest Minnesota dedicates all of its LSC funding to the work of private Judicare and pro bono attorneys;

Be It Resolved that Legal Services of Northwest Minnesota has from its earliest days committed itself to developing innovative and enduring partnerships with the private bar at a level unique among legal services organizations, with Staff and Judicare operating as a Team in all respects.

Whereas, in Minnesota:

- The Minnesota Supreme Court has appointed a standing Legal Services State Planning Committee to support the delivery of Legal Services through both volunteer attorney programs and staff programs;
- The Minnesota Supreme Court approved an IOLTA rule change on comparability rates that resulted in increasing the funds available for the legal services and pro bono community;
- The Minnesota State Bar Association's Legal Assistance to the Disadvantaged Committee successfully petitioned the Minnesota Supreme Court for rule changes to allow for Continuing Legal Education credit for pro bono work, and continues work on reporting to increase pro bono commitments;
- The Minnesota State Bar Association has created the Civil Gideon Task Force to expand access to counsel for low income Minnesotans, and LSNM's Executive Director serves as Co-Chair, and its Members include LSNM Board members and private attorneys;

Whereas, LSNM will continue to work with the Minnesota State Bar Association, the Minnesota Supreme Court, The Minnesota Justice Foundation (Minnesota's law school public service organization) and the Minnesota Legal Services Coalition to promote access to justice initiatives that expand pro bono resources available to the clients of LSNM;

Now, Therefore, Be It Resolved that the Board of Directors of LSNM, in an effort to help close the justice gap in Minnesota, has amply demonstrated its constant, long-term and unwavering commitment and support, and will continue to do so, encouraging private attorney involvement with LSNM. LSNM will also endeavor to:

- Collaborate with other organizations and entities in the LSNM service area to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal needs and encourage collective responsibility within the service area by both public and private entities to help meet this unmet civil legal need;

- Collaborate with the Judicare Panel and with Volunteer Lawyers Network, a non-profit Minneapolis organization experienced in the delivery of free legal services by private attorney volunteers, on special projects, such as its upcoming LSC TIG grant internet project;
- Collaborate with other organizations and entities in LSNM's 22 counties to develop effective strategies for engaging lawyers in pro bono representation and other services that benefit low-income persons;
- Consider including in that collaboration organizations and entities such as the local bar associations, the Minnesota State Bar Association, the Minnesota Supreme Court's Legal Services State Planning Committee, the Minnesota Justice Foundation and local courts.
- Develop strategies that encourage greater pro bono, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers, and
- Develop strategies that encourage pro bono, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Whereas, LSNM continues to demonstrate implementation of LSC's Recommendations from Program Letter 07-2, some examples of which include:

➤ **Develop Sustained Relationships**

LSNM staff has involved many of its Judicare and founding attorneys in program activities for 3 decades.

➤ **Look Beyond Geographic Boundaries**

A significant number of LSNM's private attorneys are from North Dakota, and a LSNM's Consumer Law Clinic run by volunteer attorneys for LSNM operates from Fargo, North Dakota. LSNM uses the Law School resources of North Dakota as well as Minnesota.

➤ **Provide Training, Research and Technical Assistance**

All LSNM Judicare Attorneys and volunteers are eligible for regular free CLE and other skills training through LSNM and for many trainings through Minnesota CLE and the Minnesota Legal Services Coalition. Reciprocating, private attorney volunteers often train LSNM staff and clients.

➤ **Develop Signature Projects**

Many collaborative pro bono projects have been developed over the years, but currently LSNM is developing two free client clinics using Minnesota Justice Foundation attorneys and law students. The Dorsey Firm, a large international law firm based in Minneapolis, is currently developing pro bono projects which will be implemented in Fergus Falls and Moorhead in 2009.

➤ **Pursue Transactional Legal Work**

Among the Dorsey firm pro bono work being discussed currently is a Wills (both living and testamentary) for Heroes project for low income veterans and seniors.

➤ **Collaborate and Co-Counsel**

LSNM's Legal Aid Work by Seniors (LAWS) pro bono attorneys routinely assist staff and other Judicare attorneys with litigation and pre-litigation work (such as depositions). In one difficult ongoing case, for example, the client's trial team is a LSNM Supervising Attorney, a Judicare Attorney, and a LAWS Attorney.

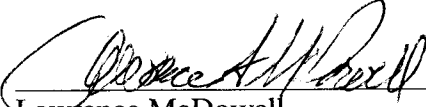
➤ **Involve Government Attorneys**

While the LSNM territory doesn't have large numbers of government attorneys, two serve on LSNM's Board, and others work on special projects or task forces with LSNM Staff.

Be It Further Resolved that the Board of Directors of LSNM will continue to follow LSC Recommendations and to promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of LSNM and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors of Legal Services of Northwest Minnesota on

November 19, 2008.



Lawrence McDowell
Board Chairperson